IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. 26 of 2026.
Date of decision: 13.10.2026.

Renu **.....Petitioner.**

Versus

Vinod Kumar Sharma **.....Respondent.**

Coram

The Hon'ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting?[1]

For the Petitioner : Mr. Ashwani Kaundal, Advocate.

For the Respondent : Mr. Sahil Thakur, Advocate.

Romesh Verma, Judge (Oral**)**

The instant petition has been filed by the petitioner for transfer of divorce proceedings which have been filed by the present respondent in the Court of learned Principal Judge (Family Court), Kangra at Dharamshala to the Court of learned Additional District Judge (Family Court), Nalagarh, District Solan, H.P.

2. The facts, as emerge in the present case, are that the parties solemnized marriage on 23.11.2005 and out of the said wedlock, two children, namely Ridhima and Suryansh, were born. The daughter of the parties is the elder one and the son is studying

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[1] *Whether the reporters of the local papers may be allowed to see the Judgment?Yes*

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in 11th standard and it has been stated by the petitioner that both the children are residing with her. It has also been averred in the petition that immediately after marriage, the respondent and her mother-in-law started misbehaving with the petitioner and when she used to resist, the respondent along with his mother used to abuse her with abusive and filthy language and also used to give beatings to the petitioner. It has further been stated that she was tortured mentally and physically and she was not provided day-to-day expenses for her maintenance.

3. It is the case of the present petitioner that false allegations were levelled against the petitioner and she was turned out from the matrimonial house. It has been contended that prior to the institution of petition for grant of divorce, the respondent had filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights in the Court of learned Principal Judge (Family Court), Kangra at Dharamshala and when the present petitioner was served in the said petition, she instituted a petition being CMPMO No. 331 of 2025 before this Court which came to be allowed by this Court on 14.07.2025. As per the order, which was passed by this Court, the said petition was ordered to be transferred from the Court of learned Principal Judge (Family Court), Kangra at Dharamshala to the Court of learned Additional District

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Judge (Family Court), Nalagarh, District Solan, H.P. Thereafter, the present respondent has filed a petition under Section 13(1) of the Hindu Marriage Act for dissolution of the marriage against the present petitioner in the Court of Learned Principal Judge (Family Court), Kangra at Dharamshala.

4. It has been submitted in the petition that the present petitioner does not have any source of income and she is totally dependent upon her brother for her day-to-day expenses. The petitioner has further averred that distance from Chandigarh to Dharamshala is about 250 kilometres and it would not be possible for her to attend the court proceedings there on each and every date. Therefore, she has prayed and sought indulgence of this Court for transfer of the HMA/263/2025 titled as Vinod Kumar Sharma vs. Renu, pending before the court of learned Principal Judge (Family Court), Kangra at Dharamshala to the court of Learned Additional Judge (Family Court), Nalagarh, District Solan, H.P.

5. The said prayer of the present petitioner has been vehemently opposed by the respondent. It has been contended by learned counsel for the respondent that the present petition has been filed just to harass the respondent as he is serving in the

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Indian Army. He further submits that the parties may be directed to resolve their dispute by having recourse to mediation.

6. I have heard the learned counsel for both the parties and have gone through the case file.

7. Since, the present petition is primarily filed for the transfer of the petition, therefore, without touching the merits of the case, this Court shall proceed further to examine whether the prayer of the petitioner can be accepted.

8. While dealing with the issue of transfer of proceedings from one Court to another in matrimonial matters, the convenience of the wife is ordinarily to be preferred, in view of the mandate of the Hon'ble Supreme Court in ***Sumita Singh vs. Kumar Sanjay and another (2001) 10 SCC 41***, wherein it was held by the Hon'ble Apex Court that in case where wife seeks transfer of the petition then as against the husband, convenience of wife must be looked at.

9. In ***Rajani Kishor Pardeshi vs. Kishor Babulal Pardeshi (2005) 12 SCC 237***, it has been held that in a case seeking transfer of the case at the instance of the wife, it was specifically held by the Hon'ble Supreme Court that the convenience of the wife was the prime consideration.

10. While dealing with the application for transfer of the proceedings in ***Kulwinder Kaur alias Kulwinder vs. Kandi Friends***

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Education Trust and others (2008) 3 SCC 659, the Hon'ble Supreme Court after analyzing the provisions of Sections 24 and 25 of C.P.C laid down certain parameters for transfer of the case and it was held as under:

> "23 Reading Sections 24 and 25 of the Code together and keeping in view various judicial pronouncements, certain broad propositions as to what may constitute a ground for transfer have been laid down by Courts. They are balance of convenience or inconvenience to plaintiff or defendant or witnesses; convenience or inconvenience of a particular place of trial having regard to the nature of evidence on the points involved in the suit; issues raised by the parties; reasonable apprehension in the mind of the litigant that he might not get justice in the court in which the suit is pending; important questions of law involved or a considerable section of public interested in the litigation; interest of justice demanding for transfer of suit, appeal or other proceeding, etc. Above are some of the instances which are germane in considering the question of transfer of a suit, appeal or other proceeding. They are, however, illustrative in nature and by no means be treated as exhaustive. If on the above or other relevant considerations, the Court feels that the plaintiff or the defendant is not likely to have a fair trial in the Court from which he seeks to transfer a case, it is not only the power, but the duty of the Court to make such order."

11. In ***Aarti Rani @ Pinki Devi and another vs. Dharmendra Kumar Gupta (2008) 9 SCC 353***, the Hon'ble Supreme Court while dealing with a case where the wife had sought transfer of the proceedings on the ground that it is difficult for her to attend the Court on Palamu, Daltonganj which is within the State of Jharkhand and is at a quite distance from Patna where she was residing with her child. Taking into consideration the convenience of the wife proceedings were ordered to be transferred.

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12. Similarly in ***Anjali Ashok Sadhwani vs. Ashok Kishan Chand Sadhwani AIR 2009 SC 1374***, whereby she sought the transfer of the case to Bombay from Indore in M.P. on the ground of inconvenience as there was none in the family to escort her to Indore and on this ground the proceedings were ordered to be transferred.

13. In ***Civil Appeal No. (s) 4894 of 2022*** arising out ***SLP (C) No(s). 16465 of 2021, titled as NCV Aishwarya vs. A.S. Saravana Karthik Sha,*** the Hon'ble Supreme Court has outlined the cardinal principle for considering prayer for transfer of the proceedings from one Court to another in matrimonial matters in following terms:

> "8. It is not disputed that the appellant is the resident of Chennai and that the appellant's husband-respondent herein is the resident of Vellore and he is employed. The appellant who is 21 years old does not have any source of income of her own as she is not employed and is totally dependent on her parents for her livelihood. In order to attend the court proceedings of the case filed by her husband at Vellore she has to travel alone all the way from Chennai to Vellore as her parents are not in a position to accompany her on account of their old age. Secondly, the appellant has also filed a petition, H.M.O.P. No.1741 of 2021, for restitution of conjugal rights and another petition, M.C. Sr. No.672 of 2021, for her maintenance before the Family Court at Chennai"

14. Taking into consideration, the entirety of the facts and circumstances of the case and the cardinal principle outlined by the Hon'ble Supreme Court in ***Sumita Singh, Rajani Kishor Pardeshi***

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and ***NCV Aishwarya*** cases, this Court is of the considered view that present petition deserves to be allowed for the reasons that the petitioner is residing at Manimajra, Chandigarh and the respondent has filed the petition for dissolution of marriage, Kangra at Dharamshala which is at a considerable distance of about 250 kilometres from Chandigarh.

15. The petitioner has averred that it is difficult for her to travel at such a distant place and she is having financial constraints. It is the case of the petitioner that her son is studying in 11th standard and the daughter is taking coaching at Pinjore, therefore, it would not be possible for her to leave her children alone and travel to Dharamshala on each and every date of hearing.

16 Similar issue praying for the transfer of proceedings from one Court to another Court, has been dealt with by this Court in ***CMPMO No. 466 of 2020***, titled ***Monu vs. Rakesh Kumar*** decided on 26.07.2020 and other matters i.e ***CMPMO No. 604 of 2023***, titled ***Manisha Thakur vs. Aakash Chauhan***, decided on 05.12.2023 and in ***CMPMO No. 688 of 2023***, titled as ***Sumiti Chandel vs. Parvesh*** **Singh,** decided 10.01.2024.

17. In view of the above discussion and the exposition of law as laid down by the Hon'ble Apex Court, the present petition is allowed and the proceedings in HMA/263/2025 titled as Vinod

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Kumar Sharma vs. Renu, filed by the respondent under Section 13(1) of the Hindu Marriage Act in the Court of Learned Principal Judge, (Family Court) Kangra at Dharamshala are ordered to be transferred to the Court of learned Additional Principal Judge (Family Court) Nalagarh, Solan, H.P. The parties undertake to appear before the Family Court, Nalagarh on **28.11.2026.**

18. Needless to say, the learned Family Court at Nalagarh shall proceed in the matter from the stage the learned Family Court, Kangra at Dharamshala was dealing with the case.

19. Consequently, the present petition is allowed and disposed of.

20. As far as the contention of learned counsel for the respondent that an endeavour can be made to resolve the dispute inter se the parties, the respondent is at liberty to make such request before the learned Family Court at Nalagarh. Further, in case any request is made by the respondent for earlier disposal of the divorce proceedings, in that event, appropriate orders shall be passed by the Family Court at Nalagarh in accordance with law.

21. Pending application, if any, also stands disposed of.

(Romesh Verma)
Judge

13th October, 2026.(**krt**)

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